



Docket No.: 219970US3

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/082,094
Applicants: Shinichi OGIMOTO
Filing Date: February 26, 2002
For: COMPONENT HOLDING HEAD, COMPONENT
MOUNTING APPARATUS USING SAME, AND
COMPONENT MOUNTING METHOD
Group Art Unit: 3729
Examiner: NGUYEN, D.

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SIR:

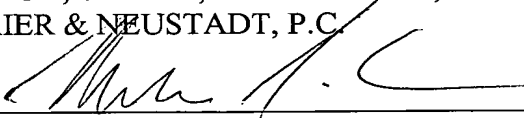
Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT
REQUEST FOR EXTENSION OF TIME

Our credit card payment form in the amount of \$950.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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219970US3



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
SHINICHI OGIMOTO : EXAMINER: NGUYEN, D.
SERIAL NO: 10/082,094 :
FILED: FEBRUARY 26, 2002 : GROUP ART UNIT: 3729
FOR: COMPONENT HOLDING HEAD, :
COMPONENT MOUNTING APPARATUS
USING SAME, AND COMPONENT
MOUNTING METHOD

RESPONSE TO RESTRICTION REQUIREMENT

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In response to the Office Action dated March 3, 2004, Applicants elect with traverse Species A. Accordingly, Applicants respectfully concur with the Office Action's identification of Claims 1-7, 15, 16, and 19 as reading on the provisionally elected species.

Applicants respectfully traverse the outstanding requirement for several reasons.

First, the outstanding Office Action merely includes the conclusory statement that "[t]his application contains claims directed to the following patentably distinct species" without stating any basis whatsoever in support of such a finding. This is in violation of MPEP § 816, which states:

The particular reasons relied on by the examiner for holding the inventions as claimed are either independent or distinct should be concisely stated. A mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given.

In the absence of any annunciated basis, it is respectfully submitted that the PTO clearly has not carried forward its burden of proof to establish distinctness.

Further, MPEP § 806.04(f) requires:

Claims to be restricted to different species must be mutually exclusive.

The outstanding Official Action fails to address in any way whether the pending claims recite mutually exclusive characteristics and this failure provides a basis for traversing the election of species requirement.

Finally, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants also respectfully traverse the outstanding requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-20 be conducted.

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